

**Washington County Land Use Authority Meeting**  
**April 12, 2011**  
**(Recording available)**

The Washington County Land Use Authority Meeting was held on Tuesday, April 12, 2011 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:33 p.m. by Vice Chairman Kim Ford. Commissioners present: Doug Wilson, Rick Jones, Deborah Christopher, and Julie Cropper. Also present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer; Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; Dean Cox County Administrator; and Doreen Bowers-Irons, Planning Secretary.

Excused: Dave Everett, Mike Stucki.

Absent: JoAnn Balen

Audience attendance: Perry Thomson, Mark Weston, Jerry Eves, Mike Housley, Colleen Staples.

Chairman Kim Ford led the audience in the Pledge of Allegiance and explained meeting protocol.

**Item #1. STAFF COMMENTS.** Review staff comments for each item listed below. Staff initiated.

**Item #2. DISCUSSION ITEM/ORDINANCE AMENDMENT.** Washington County Land Use (Zoning) Ordinance review possible ordinance amendments regarding Wind Energy Systems and Facilities; USTAR/Perry Thomson, Associate Director/Technology Outreach.

The Planner introduced Mr. Perry Thompson of USTAR. Mr. Perry was invited to the meeting to explain wind energy and code change amendments that could be made to the County's Ordinance in order to comply with current Energy Code regulations.

Mr. Thompson gave a brief background of himself. He stated USTAR is an acronym for Utah Science Technology and Research. He showed a power point presentation and discussed comparisons between the county ordinances and USTAR's model for possible changes to the ordinance. Some of the items discussed were the design standards, height and spacing requirements, noise, and shadow flicker, which he explained. He indicated there are various grants available for renewable energy sources.

There were questions and answers regarding noise the windmills and turbines would create. Chairman Ford had a question regarding reflectivity of the blades. Mr. Thompson stated he had never heard of any issue with reflection from the blades. The distraction would more apt to be the windmills themselves. Mr. Dean Cox asked Mr. Perry if he could put together and provide the County a model ordinance. Mr. Perry answered the State has prepared model ordinances for the various counties. The County should review that model and change it to fit the County's needs for these types of uses. The Commission thanked Mr. Perry for his time and expertise.

Jerry Eves, Southwest Energy, addressed the Commission. He thanked them and Mr. Thompson for the presentation. He commented on his proposed project and how he could proceed. A short discussion regarding his project ensued. Ms. Ehlert advised Mr. Eves of what he would need to do to get started with his project in wind energy.

**Item #3. SITE PLAN REVIEW EXTENSIONS.** Review Site Plan Extension for construction progress on a 2,400 square foot metal building for a warehouse rental within the M-1 (Manufacturing) Zone near Veyo, Utah; Allen Feller, applicant.

The Planner stated the applicant was not in attendance. This item was tabled at last meeting also due to lack of representation. She asked the Commission how they would like to proceed with the item. She provided pictures of the property that showed a fence installed by the adjacent neighbor to the property, which was a pole type fence and more decorative in nature.

Chairman Ford clarified that an inspection was done on September 7, 2010, which failed. The Building Official stated the inspection failed because the interior of the building was not finished. The Planner stated four (4) trees were required to be planted along the front for landscaping. In addition, a light on each corner of the building was required and have not been installed.

The Planner asked if the Commission would be satisfied with the existing fence. After discussing the fencing issue the Commission determined a six-foot tall sight obscuring fence shall be installed along with the lighting. The Commission agreed to postpone this item for one month to allow the applicant to address the issues.

**Motion:** Commissioner Christopher moved to table the Site Plan Review Extension for a metal building warehouse rental within the M-1 Zone near Veyo until the applicant is in attendance to answer the questions on the project. Commissioner Wilson seconded. The motion carried with all five (5) Commissioners voting in favor.

**Item #4. CONDITIONAL USE PERMIT EXTENSION.** Review Conditional Use Permit Extension on a Tower for Verizon Wireless at Big Mountain Communications Facility in Section 4, T38S, R16W on Forest Service property near Enterprise; Connie Misket/Technology Associated International Corporation agent/applicant.

The Planner stated the applicant was unable to attend the meeting. The applicant has indicated that the project still stands and they are ready to come in to pick up the permits for the construction of the project. The agreements with the Forest Service were signed in 2010. They have been waiting for some documents from Rocky Mountain Power that should be finalized and available soon.

The Planner explained the location site and indicated the project location was on Big Mountain, which is between Central and Enterprise. The height of the tower has changed from the original 100-feet to 80-feet with a six-foot lightening rod at the top making the tower 86-feet in height. The agreement made with Rocky Mountain Power changed the perimeter fencing slightly. These changes are indicated on the new submitted site plan. This is going on the forth year for this extension; staff recommended the extension be approved. The applicants should be in within a month to pick up their permits to install the tower.

**Motion:** Commissioner Christopher moved to recommend approval of the Conditional Use Permit Extension for one year for the Verizon Wireless Tower at Big Mountain Communications Facility located in Section 4, T38S, R16W on Forest Service property near Enterprise. Commissioner Wilson seconded. The motion carried with all five (5) Commissioners voting in favor.

**Item #5. CONDITIONAL USE PERMIT EXTENSION.** Review the Conditional Use Permit Extension to run a new transmission line from Central to the Middleton Substation and install a

temporary line from the Middleton Substation to St. George Substation, fencing and expansion on the existing facility and changes to the Black Gulch to Diamond Valley line; Rocky Mountain Power/Project Manager Paul Henry, applicant.

The Planner reported Mark Cox attended the April 5, 2011 Staff Meeting and indicated the project had been completed in October. He therefore would not attend this meeting. The applicant asked that the Conditional Use Permit be approved on a permanent status. The planner briefly explained the project, noting the Commission had reviewed this item last year and granted an extension for the Conditional Use Permit. The project was for a new 138 kV double circuit line built 25-feet west of and parallel to Rocky Mountain Power's existing 138 kV line that was to be removed after the project was completed. Staff recommended approval for permanent status of the Conditional Use Permit.

**Motion: Commissioner Cropper moved to recommend permanent status approval of the Conditional Use Permit to run a new transmission line from Central to the Middleton Substation and install a temporary line from the Middleton Substation to St. George Substation, fencing and expansion on the existing facility and changes to the Black Gulch to Diamond Valley line. Commissioner Wilson seconded. The motion carried with all five (5) Commissioners voting in favor.**

**Item #6. CONDITIONAL USE PERMIT EXTENSION.** Request permission for the five (5) Zip Lines at Pah Tempe within the OST 20 Zone, unincorporated area of Washington County; Ken Anderson, applicant.

The Planner reported the applicant was not in attendance. This is an automatic annual review. No action is required on this item and we will just let this die without a motion, based on the fact that nothing has been done with this permit. The property is in foreclosure. The County Commission approved this based on the applicant filing an annexation plat to Hurricane City. This review is just a matter of acknowledging that any further approvals should come from Hurricane City. This automatic annual review is to update the Commission and let them know that no action is needed.

**Motion: None. The item died for lack of a motion. The Conditional Use Permit expired.**

**Item #7. PUBLIC HEARING.** Open Public Hearing for Washington County Land Use (Zoning) Ordinance amendments regarding RE Residential Estates Zone; County initiated.

Chairman Ford opened the public hearing.

The Planner reported this is a housekeeping item. This portion of the ordinance was removed from the other zones back in 2004 when the ordinance was codified. In 2000, the building codes addressed and regulated structure setbacks and firewall requirements. This text change in the RE Zone is clarified in the building codes, which could be made a part of the Findings and Facts. This amendment will be to Title 10, Chapter 8, Article D, of the Washington County Zoning Ordinance the Residential Estates Zone. The Planning Commission may want to recommend approval as presented, or review and vote for modifications, or table this item. If approved, this item will go before the County Commission as a recommendation on April 19, 2011. Staff had reviewed this amendment and requested the change be implemented.

Commissioner Cropper asked if this would affect homes with covers between buildings and mother-in-law apartments. Mr. Gardner answered no and then explained the building code regulations for separation of out buildings, which specifies distances and firewall requirements.

A discussion regarding setbacks and the building codes occurred. There were some clarifications on what will be deleted from the ordinance. A short discussion regarding finds of fact took place.

There were no public comments and the public hearing was closed.

**Item #8. ORDINANCE AMENDMENT.** Consider approval on amendment to the Washington County Land Use (Zoning) Ordinance, Title 10, Chapter 8, Article D, RE Residential Estates Zone; County initiated.

**Motion:** Commissioner Cropper moved to recommend approval of amendments to the Washington County Land Use (Zoning) Ordinance, Title 10, Chapter 8, Article D, RE Residential Estates Zone based on the following Findings and Facts:

1. This is a housekeeping item to address the International Building Codes and bring in line the RE Residential Estate Zone with the other zone changes to the Washington County Zoning Ordinance.

Commissioner Jones seconded the motion. The motion passed with all five (5) Commissioners voting aye.

**Item #9. STAFF DECISIONS.** Review of decisions from the Land Use Authority Staff Meeting held on April 5, 2011; County initiated.

The Planner reviewed Staff decisions of the Land Use Authority Staff Meeting held April 5, 2011.

#### **ACTIONS OF THE LAND USE AUTHORITY STAFF MEETING** **April 5, 2011**

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District; Paul Wright, Department of Environmental Quality; Robert Beers, Southwest Utah Public Health Department; and Tina Esplin, Washington County Water Conservancy District.

Excused: Ron Whitehead, Public Works Director; and Becky Marchal, Questar Preconstruction Specialist.

#### **CONDITIONAL USE PERMIT EXTENSIONS.** **PLAN REVIEW**

A. Change Site Plan for the Diamond Valley Elementary School for a driveway easement and school bus parking in Diamond Valley; Mel Ashcroft, School District and Glen Carnahan, Alpha Engineering.

This is reviewed as an extension to a Conditional Use Permit by planning staff as final plans have been drawn and the easement has been granted from the adjacent property owner, Kenneth Olson and Shauna Haskell. This property is within the RE-40.0 Zone in Diamond Valley, with the parcel being dried up many years ago when access was approved for the 13-acre Ivan-Jack property. Previously the staff reviewed the preliminary plans for the parking lot and road access and any possible drainage issues. **The planner advised that this is a**

**housekeeping item and staff approved this Conditional Use Permit extension/expansion on a permanent basis.**

B. Request permission for a 2<sup>nd</sup> family dwelling within the RA-5 zone, Blackridge Ranches-Phase 1, Lot 55, in the New Harmony area; Enessy & Laraine Ficklin, applicants.

This is an automatic annual review and it meets the requirements for the 2<sup>nd</sup> dwelling. Previously the applicant submitted a site plan, foundation plan, an approved air treatment system from the Ash Creek Special Service District and the Southwest Utah Public Health Department. The water is provided by the Mountain Springs Culinary Water Company. The 2<sup>nd</sup> dwelling is a manufactured home for a family member and would be approved seasonal in nature, due to .85 acre feet of water established by the subdivision CC&R's. Ash Creek Special Sewer District Manager indicated that he was in approval with the density requirements for this area, with the applicant having 5 acres and using the Air Systems. The planner advised that 2nd dwellings are conditionally approved within the RA-5 zone. The property is accessed from Old Hwy 91 and 1500 South in the Blackridge Subdivision generally located southeast of New Harmony. The site plan meets 25' setback requirements on all sides, rear and front. Corrections on the last inspection need to be made and a final inspection for Permit #6122. The Wildland Urban Interface for fire protection would need to be addressed during the permitting process at the staff level. **The staff decided to approve an extension of the Conditional Use Permit for the 2<sup>nd</sup> dwelling for a family member for the period of six (6) months.**

C. Request permission for an accessory dwelling (garage/bath) within the Old Spanish Trail Homesteads, 2 amended, lot 6A, in the Veyo area. Steve & Kate MacFarlane, applicant.

This is an automatic annual review; previously approved as an accessory dwelling (full bath) within a garage structure, which is located at 194 S. 300 West (Volcano Dr), in Veyo, Utah. The applicant submitted a site plan and a floor plan will be reviewed by the building staff, with a file copy submitted for the planning file. The septic permit is approved for the main dwelling with 1 bedroom and is adequate to accommodate 3 more bedrooms. Corrections on the last inspection need to be made and a final inspection for Permit #6101. This remodel of the garage is less than 900 square feet requirement for an accessory dwelling. **The extension on the Conditional Use Permit was approved for an additional six (6) months.**

D. Request permission for an accessory dwelling (garage) within the RE-40.0 zone at Canyon Trails - Phase 2, lot 15, in Dammeron Valley. Ted & Cami Parker, applicants.

This is an automatic annual review. Previously the applicant had requested an accessory dwelling within a garage structure, which is located at 1424 N. Canyon Trails Dr., in Dammeron Valley. The applicant submitted a site plan and a floor plan will be reviewed by the building staff, with a file copy submitted for the planning file. The septic permit is approved for the main dwelling and is adequate for the 1 bedroom added in the accessory dwelling, which was obtained from the Southwest Utah Public Health Department. There needs to be a final inspection on Permit #5516. This meets the criteria set forth for accessory dwelling units and the casita portion is less than 900 square feet. **The staff decided to extend approval of the Conditional Use Permit for an additional six (6) months.**

E. Request permission for a single-family dwelling within the A-20 Zone, Prince Lot Split #5, in the New Harmony area. Steve Persing, applicant and Tony West, agent.

This is an automatic annual review. Previously the applicant met the requirements for the Conditional Use Permit by submitting a site plan, deeds of ownership, septic permit from the Southwest Utah Public Health Department (SUPHD), and a culinary water use from the North Valley Water Company. Single-family dwellings are conditionally approved within the A-20 zone, with this property containing a total of 20 acres. The property is accessed from the Old Hwy 144 to 900 East, then right on 800 North and left on 1400 East, generally located in the Red Butte area of Bumblebee Range. The site plan meets all setback requirements of 25' on all sides, rear and front. The Wildland Urban Interface for fire protection would need to be addressed during the permitting process at the staff level. **If the applicant decided to remove the shower from the bath in the barn they would not be using up their 2<sup>nd</sup> dwelling permit on this use. No permit has been issued as of yet; the initial work that went into applying for the conditional use should be enough to keep the permit active for another year.**

**Item #10. MINUTES.** Consider approval of the minutes of the regular Planning Commission meeting and work meeting held on March 8, 2011.

**Motion:** Commissioner Cropper moved to adopt the Minutes of March 8, 2011 as written. Commissioner Jones seconded. The motion passed with four (4) commissioners voting aye; Commissioner Christopher abstained as she was not in attendance of the meeting.

**Item #11. COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on Planning Items; County initiated.

The Planner reviewed the action taken on Planning Items by the County Commission on March 15, 2011 and April 5, 2011, beginning at 4:00 p.m. They approved the following items based on the Planning Commission's recommendation: CUP Extension on the batch plant at Snowfield Rock Products; the CUP for the Tour Del Sol bike ride; the CUP for Water lines in Dammeron Valley; Final Plat approval for Whispering Pines Subdivision on Kolob.

**Item #12. COMMISSION & STAFF REPORTS:** General reporting on various topics; County initiated.

Motion was made and seconded to adjourn the meeting at 2:55 p.m.

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Doreen Bowers-Irons  
Planning Secretary

Approved: 10 May 2011